**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE R.BASANT**

**TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929**

**Bail Appl..No. 6570 of 2007()**
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**PETITIONERS/ACCUSED NO.1 AND 3:**
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1. **BINOJ.K.B., AGED 27 YEARS,**
   **S/O.BALAKRISHNAN, KAKKATHURUTHY P.O.,**
   **EDATHIRINJI VILLAGE, TRICHUR.**

2. **P.A.SHOLLY, AGED 29 YEARS,**
   **S/O.ANTONY, KAKKATHURUTHY P.O.,**
   **EDATHIRINJI VILLAGE, TRICHUR.**

**BY ADV. SRI.SOJAN JAMES**

**RESPONDENTS:**
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**STATION HOUSE OFFICER, KATTOOR POLICE STATION, TRICHUR REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

**BY PUBLIC PROSECUTOR SRI. S.U.NAZAR**

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**R.BASANT, J**

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**B.A.No. 6570 of 2007**

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**Dated this the 30th day of October, 2007**

**ORDER**

Application for anticipatory bail. Petitioners are accused 1 and 3. Altogether there are 3 accused persons. They face allegations for offences punishable, inter alia, under Sections 308 I.P.C and Section 27 of the Arms Act. The 2nd accused had come before this Court for anticipatory bail and by order dated 23.10.07 in B.A.No.6405 of 2007, anticipatory bail was dismissed. I have already adverted to facts in detail in the said order. I am hence not adverting to facts in any greater detail in this order. This order must be read in continuation of the said order. Political animosity is the alleged motive. Dangerous weapons like swords have been used in the attack. Injuries suffered are on vital parts of the body.

2. The application is opposed by the learned Public Prosecutor. I find merit in the opposition by the learned Public Prosecutor . I do not find any features available in this case which can justify the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I am satisfied, is a fit case where the petitioners must appear before the learned Magistrate having jurisdiction or the Investigating Officer and then seek bail in the regular and ordinary course.

5. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioners surrender before the Investigating Officer or the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

**(R.BASANT, JUDGE)**

rtr/-